



**TOWN OF TRURO**  
**Conservation Commission**  
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**Conservation Commission Meeting Minutes**

**May 2, 2016**

**6:30 P.M.**

**Selectmen's Meeting Room**

**Members Present:** Deborah McCutcheon, Linda Noons-Rose, Jim Bisceglia, Diane Messinger, Henry Lum and Larry Lown

**Others Present:** Emily Beebe, Assistant Health/Conservation Agent

**271, 276, & 281 Shore Road, Request for Determination of Applicability, Joseph**

**Days, Trustee, Days Cottages Condominium Trust:** The application included trenching to install new conduit for an upgraded electrical service for the cottages; installation of 3 transformer pads; installation of an underground propane tank.

Owner Joseph Days was present to discuss the project with the Commission; Kevin McCune from the Eversource Environmental Permitting Department and electrician Jeffrey Spiegel were also present.

Mr. Days was prompted to complete an RDA application in order to be heard by the Commission as soon as possible as there is a time constraint for the project completion and some work has begun. It was first discovered that an upgrade was needed at this property in June of 2015 when new owners wanted to upgrade their cottages. John Browne, electrical inspector for the Town of Truro, deemed the electric service inadequate for upgrades. Work began recently without a permit due to the fact the Mr. Days had been told that Eversource would take care of all required permits. When it was discovered that the proper permits were not in place Eversource brought Kevin McCune onto the project; he stated that usually the customer will pull the permits for this type of job. Jeffrey Spiegel stated that the first customer service representative that he spoke to at Eversource, in November 2015, said that they (Eversource) would take care of all permits.

The plan is to run the lines from overhead to the transformers and either tunnel the wires under the road and attach to the cottages or, trench the road, lay the wires and repave the road. The transformers are on the opposite side of the street from the cottages and the wires will cross the road underground at 5 different points and attach to the individual cottages. All telephone poles will remain in place. The work to be completed by Eversource will take a few weeks; some prep work has been done but Eversource has not started work. Mr. Spiegel will also need a couple of weeks to complete connection and metering of each cottage. McCutcheon stated that there is time for the applicants to file a Notice of Intent in order to put an Order of Conditions in place. Mr. McCune stated that on the Eversource scale of projects, this was a small one and they would have likely submitted a letter with a project description and statement that work will be done under a

maintenance exemption for an existing system and would not have needed any approval from the Commission. It was noted by the Commission that they did not send such a letter, and that there was not an exemption for this work.

No work is being done to the cottages and most work is being done in an existing paved area. No heavy equipment will be used except for the road-work if the trenching method is done. McCutcheon requested a work protocol for the entire project be submitted by Friday May 6; upon submission a decision can be made on whether an Order or Conditions will be needed or not. Commissioner Bisceglia asked about the double application fee for work occurring without a permit. **Propane Tank:** Four at grade tanks were replaced by a 1000 gallon underground tank that services all cottages. The lines already existed and were tied into. The installation of the tank was done the day the RDA was filed; this work is separate from the electric work but is included on the same RDA application as after-the-fact. It was suggested that the Commission could approve the RDA with the exception of the tank; the Commission agreed that once the electrical issue is resolved, the propane tank issue can be discussed. **Motion to require the submittal of a work protocol by May 6, 2016 in order to determine if conditions need to be put in place. Motion by Bisceglia; second by Messinger. Approved unanimously.** Mr. McCune will submit a plan for both trenching and horizontal directional drilling; once it is determined which one will be done he will meet with Agent Beebe and no work will be done until a definitive plan of action is chosen.

**1 Merryfield Path, Notice of Intent, Steven Corkin, owner, SE# 75-0982:** This matter had been continued to the May hearing date from the April 19 hearing. It is further continued to June 6, 2016 at the request of the owner.

**7 Knowles Heights Road, Notice of Intent, Judith Bettua, SE# 75-0980 and 1 Bluff Terrace, Notice of Intent, 1 Bluff Terrace LLC, SE# 75-0978:** This hearing was continued from the April 19, 2016 hearing. The projects were opened and heard simultaneously. This site has a newly constructed single family dwelling that is nearly completed. The original Order of Conditions (SE # 75-907) expired in late 2015, and included the subdivision of land, demolition of the previous Seascape Motor Inn, and construction of 3 separate houses with swimming pools. The project scope of work now includes completion of remaining work from SE# 75-907; installation of landscaping and mitigation plantings; and removal of part of the concrete block wall at the top of the Bank with minimal filling to re-contour the area and construction of a set of beach stairs for 1 Bluff Terrace. Tim Brady and Don Bliss represented the owners. A plan developed by East Cape Engineering showed stairway modifications. The applicants would like to remove the top rows of existing concrete blocks at the site of the old stairs and add approximately 200 yards of fill to make a more natural and stable slope. Most of the concrete blocks will remain in the ground to minimize disturbance. The Agent asked for a work limit to be agreed upon and established. It was noted that a pool fence was not on the plan for 1 Bluff Terrace; Mr. Bliss stated it will be at the edge of the deck and is included in the footprint shown. The plan for a stairway at this property relocates it from a very steep, stable area to a location where it can move diagonally on a more gradual slope that already has some disturbance. Commissioner Lown questioned if the lawn areas were previously approved and it was confirmed that they were shown on the original plans. **Motion to accept the proposal, with conditions for both properties**

**regarding temporary irrigation, and restriction on fertilizers and pesticides. Motion by Bisceglia; second by Noons-Rose. Approved unanimously.**

**8 Atwood Lane, Notice of Intent, Elaine Reily, SE #75-0984:** The project includes invasive species removal with native plant restoration. The applicant, Elaine Reily was present, along with representatives Catrine Higgins from Wilkinson Ecological and Chet Lay from Slade Associates. The Commission was informed that approval has not yet been provided by NHESP, and the hearing would need a continuation; however, the representatives asked to present the project. The scope includes a property-wide invasive plant removal to encourage a more sustainable, healthy habitat. The area within Commission jurisdiction is moderately invaded by honeysuckle shrubs and black locust trees. The invasive species will be removed by hand in sensitive areas and mechanically removed in the less sensitive upland areas. Once the removal is done the area will be seeded and planted with herbaceous plants and shrubs. The herbicides that will be used are listed on the submitted materials; a cut and wipe approach will be employed. Commissioner Bisceglia mentioned that he was concerned that the staking of the buffer zone did not seem to match the plan. Mr. Lay stated that the stake was misplaced and the plan is correct. **Motion to continue to the June 6, 2016 meeting in order to hear from NHESP. Motion by Lown; second by Bisceglia. Approved unanimously.**

**31 Mill Pond Rd, Martha Ingrum, Owner, Review of Enforcement/Restoration:** Owner Martha Ingrum and David Lajoie from Felco Engineering were present. The storage pods are empty and are scheduled to be removed on Wednesday. **Motion to extend the removal of the storage pods to Thursday, May 5<sup>th</sup> at noon, with no further continuances allowed and the issuance of citations to begin on May 6<sup>th</sup> if not in compliance. Motion by Bisceglia; second by Lown. Motion approved 5-1-0.** The Commission will do a site visit on June 6, 2016 to determine if any remediation needs to be done. Ms. Ingrum stated that the area is often used by the DPW and she would like that considered. The Agent will speak with the DPW director about the issue.

**4A Pond Rd, Administrative Review, Kristin Reed:** Deborah McCutcheon recused herself. The Administrative review includes placement of a raised 8x8 planting box and willow branch removal. The garden box will be 4 ft. from the deck on the cottage and 8x8 beams will be used to construct it. Lavender and herbs will be planted and only organic practices will be used. The box will be in an existing lawn. **Motion to approve by Bisceglia; second by Noons-Rose. Approved unanimously.**

**32 Shore Road, Administrative Review, Christian Union Church:** No recommendation was made; no action was taken.

**214 and 216 Shore Rd (off Beach Point Landing), Notice of Intent, Daniel Smith, applicant, SE# 75-0966:** This matter was continued from the April 19, 2016 hearing. New documents to review included a letter from Jim Rodricks, dated April 27, 2016, and date stamped May 2, 2016. Mr. Smith was present to answer questions, and brought a helical anchor and other equipment to illustrate proposed operation to the Commission. The document submitted by Mr. Rodricks prompted immediate research by the Agent and the Vice Chair of the

Commission. A review of the title to the property was done and it was discovered that there may be a conservation restriction on the property that may prescribe specific allowable and prohibited uses for the property. It does appear that the property is within the custodianship of the Conservation Commission. Commissioner McCutcheon would like Town Counsel to review the letter, the deed and the proposal before proceeding. Mr. Smith stated that Town Counsel had already been consulted and had said the Selectmen had the right to grant the license. The Conservation Agent said that the opinion provided was in relation to a question limited in scope and that the conservation restriction question had not been asked. McCutcheon will ask for a written opinion to be submitted a week before the June 6 meeting to allow all parties time for review.

Mr. Smith voiced concern that letters and opinions such as the one in consideration are not presented with time to review before a scheduled meeting. McCutcheon agreed that the timing of the letter from Mr. Rodrick's was unfortunate; however, the matter was significant and warranted thorough investigation. The Commission agreed that all abutter submittals need to be submitted before noon on the Friday before a meeting. **Motion to continue until June 6, 2016. Motion by Messinger; second by Bisceglia. Approved unanimously.**

**8 Sam's Way, Notice of Intent, Nancy A. Dyer, Trustee of Dyer Realty Trust; SE# 75-0985:** The proposal includes construction of a new single family dwelling and a drift fence. David Lajoie and Jay Murphy, Jr. represented the applicant. The property is currently undeveloped with the exception of a set of beach stairs. The applicant went before the Planning Board to reconfigure the lot to maximize buildable area; a cul-de-sac was created for adequate frontage but a zoning variance was required. The ZBA granted a variance as the street layout width created a unique condition. Variance requests were filed with the Board of Health to allow building a 3 bedroom home; they anticipate variance approval at the next BOH meeting. The base of the house will be lower than the crown of the coastal bank, but the structure will be tall enough for a water view. All excavation will be from the down-slope side of the bank. Commissioner Messinger asked if the house could be moved towards the cul-de-sac and further from the bank. Lajoie stated it could be moved about 10' further from the bank. Commissioner McCutcheon asked how equipment can be used so close to the top of the bank without losing part of the hill and vegetation. Lajoie stated that the work limit will prevent heavy equipment from operating in that area; the work limit can be further reduced to stay out of the 35' buffer zone. McCutcheon would like the elevations of all sides of the building in relationship to the topography submitted. The Commission did not see a need for the drift fence. Mr. LaJoie stated that the fence is proposed in order to encourage sand collection and protect the dune. The Commission would like to see alternative locations for the house, a reduced work limit, elevation and topography drawings and more information on why a drift fence is proposed. **Motion to continue to June 6, 2016. Motion by McCutcheon; second by Messinger. Approved unanimously.**

**11 Coast Guard Terrace, Certificate of Compliance, Jay Derenzo, SE 75-0943:** The Agent completed a site visit and found the site in compliance. **Motion to approve. Motion by Bisceglia; second by McCutcheon. Approved unanimously.**

**Motion to adjourn the meeting. Motion by Bisceglia; second by Messinger.  
Approved unanimously.**

The meeting adjourned at 8:50 p.m.

**Site Visit Minutes**

**May 2, 2016**

**1:15 p.m. Met at Cobb Library parking lot**

**Members Present:** Deborah McCutcheon, Larry Lown, Henry Lum, Jim Bisceglia, Linda Noons-Rose and Diane Messinger

**Others Present:** Emily Beebe, Conservation Agent; Nicole Smith, Secretary

**8 Atwood Lane:** The Commission viewed the vegetation that the applicant would like to remove. Several trees were marked with pink tags and there were stakes on the property. There were questions regarding some of the stakes.

**8 Sam's Way:** The Commission viewed the areas of the proposed house and drift fence. The work limit and the house corners were staked.

**271 Shore Road:** The Commission viewed the area where the new electrical services will be installed.

**Site visits concluded at 2:45 p.m.**

Respectfully submitted,

Nicole Smith, Secretary  
Approved June 22, 2016